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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fourth session

SUMMARY RECORD OF THE PUBLIC PART* OF THE 1328th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 17 March 1999, at 10 a.m.

Chairman: Mr. ABOUL-NASR

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* The summary record of the closed part of the meeting appears as document CERD/C/SR.1328/Add.1.

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Fifteenth periodic report of Mongolia (CERD/C/338/Add.3) (continued)

1. At the invitation of the Chairman, the members of the delegation of Mongolia resumed their places at the Committee table.

2. The CHAIRMAN invited the Mongolian delegation to resume their replies to questions raised at the previous meeting.

3. Mr. TUMUR (Mongolia) said in reply to a question asked both by the Country Rapporteur and by other members of the Committee that there had been no change in the legal status of aliens.

4. The Constitution of Mongolia stipulated that international instruments ratified by that country had force of domestic law, and that that obviously applied to the International Convention on the Elimination of All Forms of Racial Discrimination. Not only were acts of discrimination punishable under various articles of the Mongolian Penal Code, but the State took specific measures to give effect to the provisions of the Convention.

5. For instance, the State ensured equal treatment before the courts by providing free legal aid to persons who did not speak the Mongolian language or could not afford counsel. As Chairman of the Parliamentary Sub-Committee on Human Rights, he himself had had occasion to help a foreign citizen accused of a crime and imprisoned to prepare his defence.

6. In Mongolia everyone had the right to medical care and social services. The State did everything in its power to provide medical services even in the most remote provinces and rural areas, despite the difficulties caused by staffing shortages. It had also taken steps to resolve the problem of street children, who numbered some 4,000 in Mongolia. Centres had been set up to accommodate, feed and educate such children.

7. With regard to the right to education, the relevant law had been amended in 1997 to bring it into line with those of other countries, developed and developing alike. Human rights courses had been incorporated into secondary education curricula.

8. Exercise of the right to freedom of opinion and expression had been facilitated recently by the privatization of radio broadcasting, television and the written press and, in 1995, the Government had adopted a new law on culture, science and copyright. Other democratic reforms had been introduced, and if in the past there had been cases of expulsion of Chinese citizens, that no longer occurred. However, if foreign nationals broke Mongolian law, they were held personally responsible, whether they were of Chinese, Russian or any other nationality.

9. Generally speaking, Mongolian society was very tolerant. Although he had worked as a law professor for 22 years, he had never heard of any case of racial discrimination being brought before the courts. When an organization of any kind advocated discrimination, it was not the organization itself that was punished, but the persons directly responsible for the acts in question. If a private individual suffered material damage of any kind, Mongolian civil law enabled him to obtain fair compensation.

10. In conclusion, he added that the Convention had been translated into the Mongolian language and was distributed free of charge throughout Mongolia.

11. He hoped that his additional explanations would satisfy the members of the Committee, whom he thanked for their comments and recommendations, of which due account would be taken in the next report.

12. With regard to national institutions, measures had already been taken to ensure the implementation of the Convention and the Mongolian delegation would take up the question of possible ways of further strengthening such measures with the relevant authorities.

13. The CHAIRMAN thanked the delegation of Mongolia for its cooperation and, in the absence of any further questions, invited the Country Rapporteur to conclude the discussion.

14. Ms. ZOU Deci (Country Rapporteur) thanked the delegation of Mongolia for its explanations, expressing the hope that all as yet unclarified points would be replied to in full in the next report. She also hoped that the next report would be submitted in accordance with the Committee's guidelines. Observing, however, that a 10-year period was a very long time, she would appreciate prompt action by the Mongolian Government to reform and supplement its legislation in order to bring it more closely into line with the provisions of the Convention, especially article 4 on the prohibition of incitement to racial hatred.

15. She further invited the Mongolian Government to make the Convention more widely known so as to familiarize the population as a whole with its provisions.

16. The CHAIRMAN, reiterating his thanks to the Mongolian delegation, said that the Committee had thus completed its consideration of the fifteenth periodic report of Mongolia.

17. The delegation of Mongolia withdrew.

The public meeting was suspended at 10.50 a.m. and resumed at 12.20 p.m.

Draft concluding observations concerning the fifth to eighth periodic reports of Portugal (continued) (CERD/C/54/Misc.27/Rev.2) (document distributed in the meeting, in English only)

18. The CHAIRMAN recalled that the Committee had completed its consideration of the first eight paragraphs of the text and invited members to consider section D, "Principal subjects of concern".

Paragraph 9

19. Mr. DIACONU observed that the section on subjects of concern was usually worded more neutrally. He suggested that the paragraph should read "Concerns were expressed" about a particular matter rather than saying that the Committee was concerned.

20. The CHAIRMAN said he took it that the other members of the Committee had no objection to that suggestion. He wondered why there was a reference to discrimination against Blacks and Gypsies only, whereas North Africans, especially Moroccans, were also subject to discrimination in Portugal.

21. Mr. SHERIFIS pointed out that there had been a long discussion on that paragraph the previous day and that the members had agreed that the term Roma should be used instead of Gypsies.

22. Mr. GARVALOV confirmed Mr. Sherifis' comment but stressed that the Committee was compelled to abide by the terms used by the State party to describe certain minorities. If Portugal spoke of Gypsies, the Committee could not take it upon itself to replace that term by Roma. That being said, a possibility would be to say Roma, followed by the word Gypsies in brackets.

23. The CHAIRMAN suggested that the Committee should not confine itself to referring to discrimination specifically against Blacks and Roma (Gypsies), but should add immigrants and foreigners to those two categories, as in paragraph 11. The paragraph would thus refer to discrimination (...) against Blacks and Roma (Gypsies) and against immigrants and foreigners.

24. Paragraph 9, as amended, was adopted.

Paragraph 10

25. Mr. DIACONU suggested that the wording "concerns were also expressed about ..." should likewise be adopted for paragraph 10.

26. Paragraph 10, as amended, was adopted.

Paragraph 11

27. Mr. DIACONU suggested that the wording of the paragraph should be amended along the lines of paragraph 9, stating that "there is an apprehension concerning" the de facto enjoyment, instead of saying that the Committee remained apprehensive.

28. Mr. SHERIFIS said that the term Roma (Gypsies) should be used, as in paragraph 9.

29. Paragraph 11, as amended, was adopted.

Paragraph 12

30. Mr. DIACONU suggested that an active, rather than a passive, verbal construction should be used. The paragraph would thus begin: "The Committee recommends that further measures be taken ...".

31. Paragraph 12, as amended, was adopted.

Paragraph 13

32. Mr. GARVALOV suggested that, as in previous paragraphs, immigrants and foreigners should be added after Blacks and Roma (Gypsies).

33. Paragraph 13, as amended, was adopted.

Paragraphs 14 to 19

34. Paragraphs 14 to 19 were adopted, with minor editorial changes.

35. The draft concluding observations concerning the fifth to eighth periodic reports of Portugal as a whole, as amended, were adopted.

Draft concluding observations concerning the ninth and tenth periodic reports of the Republic of Korea (CERD/C/54/Misc.24/Rev.2)

Paragraph 1

36. Paragraph 1 was adopted.

Paragraph 2

37. The CHAIRMAN suggested that it might be unnecessary to say that the Committee welcomed the report of the Republic of Korea.

38. Mr. van BOVEN suggested that the first part of the last sentence be deleted, so that the last sentence would begin: "The Committee commends the quality of the delegation's oral replies ...".

39. Paragraph 2, as amended, was adopted.

Paragraph 3

40. Mr. SHERIFIS said that the paragraph should be deleted since it referred to a category of persons not covered by the Convention, namely foreign workers in an irregular situation.

41. Mr. van BOVEN said that he did not object to the suggestion to delete the paragraph, but not for the reasons given by Mr. Sherifis.

42. Paragraph 3 was deleted.

Paragraphs 4 to 13

43. Paragraphs 4 to 13 were adopted.

44. The CHAIRMAN said that the Committee would resume its consideration of the draft concluding observations at its following meeting.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

Preparation of summary records and press releases

45. The CHAIRMAN said he wished personally to express his gratitude to the précis-writers and press officers for working so diligently and rapidly, as a result of which the summary records, in particular, were available promptly to Committee members, giving them time to make any changes they considered necessary. He requested that his comment be placed on record.

The meeting rose at 1.05 p.m.